



DEPARTMENT OF NATURAL RESOURCES  
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February 14, 2014

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**Via Email and Regular Mail**

RE: Eberle Well Field/ Sections 31 and 32, Township 1 North, Range 66 West, 6<sup>th</sup> PM, Weld County,  
Application for Permit/ Synergy Resources Corporation

Form 2A, Document No. 400534013

Form 2, Doc. Nos. 400534181, 400534291, 400534691, 400534718, 400534808, 400534516

Dear Ms. Brubaker and Mr. Esquibel,

I am writing in response to your February 7, 2014 letter.

The Colorado Oil and Gas Conservation Commission (“COGCC”) has received and reviewed comments from many parties pertaining to the oil and gas location (“location”) proposed by Synergy Energy Resources (“Synergy”) in Weld County, Colorado. Synergy has submitted one Oil and Gas Location Assessment (Form 2A) and six Applications for Permits to Drill (Form 2) as referenced above. Multiple comments were received on the Form 2A and Form 2.

The COGCC received a letter from Synergy dated February 11, 2014 regarding the recent meeting between the City of Brighton (“Brighton”) and Synergy. We are glad that mutually acceptable site specific terms were reached addressing some of Brighton’s concerns. In this letter, the following is stated:

“Synergy has met with the City of Brighton and most of the following items come from that meeting:

- 1) Synergy will continue the two to three foot earthen berm to insure containment of the Southern, Western and Eastern edges of the drilling and production facility pad. This is shown on the plat forwarded to COGCC on 2-7-14. This will contain the storm-water on location. Brighton suggested that an water pooled be tested prior to be released though a valve and ultimately finding its way to the Fulton Ditch. Synergy’s position would be that any water that pools behind the earthen berm will be Super-vac’d up by Synergy’s third party contractor and taken to a certified disposal.
- 2) Synergy is committed to add Full Automation to the Tank Battery Construction. This automation has the ability to shut-in any well or well(s) in the event of an abnormal situation. An example of an abnormal situation would be a change in pressure- a valve frozen open or closed, and production tank leaking production and/or emissions, an Emission Control devise malfunctioning or any other situation that could lead to an event that any operator would not deem normal.
- 3) Synergy’s practice is to have “Boots on the Ground” daily for all locations. The Automation does not take place of having our well operator visit each location daily to insure safety and normal efficient production occurring.
- 4) The Hay bales that will be added to the berm for the drilling and completion phases are a third level of storm-water containment. The Berm, the Hay bales and a pulled bmp ditch will be the three levels.
- 5) Upon Approval of the 2A- Synergy will submit its final plat to the CDPHE for our Storm-water Management Permit approval from them. ...”

The operator has provided the COGCC with appropriate mitigation measures and best management practices (“BMPs”), which are now incorporated as conditions of approval (“COAs”) into the drilling permits.

During the site-specific Form 2A review process for the planned Synergy location, the COGCC reviewed: (1) environmental information, including proximity to surface water and groundwater, soil type, topography, climate, and wildlife; (2) cultural information, including housing density, proximity to residences and other public use areas; and (3) planned activities for the location, including the type of equipment, duration of planned activities, and operational plans and practices. The COGCC has carefully considered the input received on this subject. The COGCC has developed site-specific COAs to provide additional protection for public health, safety, and welfare, including ground water and air quality.

Based on information provided by the COGIS database and in consultation with the Oil and Gas Location Assessment Staff, I am providing further clarification to your questions in your February 7, 2014 letter. The distance from the edge of the proposed location to the Fulton Ditch is approximately 450 feet. However, this location has not been constructed and the distances may change slightly. There

are no proposed fabric liners for the location. The area of the proposed location pre-construction has an approximate slope of less than 2%. Upon construction, the location will be flat or approximately 0% slope. There is an approximate 4% slope from the edge of the proposed location to the Fulton Ditch.

The use of the larger hay bales at the location is designed primarily for temporary visual and sound mitigation in addition to the proposed 30 foot sound wall. Hay bales also provide a third level of stormwater management. In the plan provided by Synergy the height of the hay bales will be a range from 4 foot to 8 feet as noted. Generally the use of hay bales is temporary in nature and not long term.

As part of the construction, there is a proposed temporary cut ditch (also referred as a “BMP ditch” in Synergy’s letter) along the North and West sides of this location. Any fluids contained in this temporary cut ditch would be disposed of in accordance with COGCC rules. Synergy is also planning to install groundwater monitoring wells around the location.

Oil storage tanks and related equipment is required to be contained within secondary containment. Synergy will use steel berms and a synthetic liner for secondary containment. If a spill or release occurs, Synergy is required to comply with COGCC rules regarding reporting and cleanup (See Rule 906). Stormwater within secondary containment is required to comply with Rule 1002 and applicable CDPHE rules. Synergy will also construct an earthen berm around the Western, Northern, and Eastern sides of the location for stormwater and other fluid management. The stormwater and fluid management proposed by Synergy complies with or exceeds COGCC rules.

Ingress and egress onto the well pad site is planned on the Eastern side of the location. It is unknown if any culvert or other structure (cattle guard, bridge, etc.) is planned. If a culvert or other structure is needed, the operator will need to comply with applicable Weld County requirements.

The COGCC appreciates the comments that you have provided. Thank you for your attention to this matter.

Sincerely,



Robert J. Frick  
Hearings Manager

Cc: Matt Lepore, Director  
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